

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Oscar Argueta
Respondent

Civil Citation No.49442
323 Leyton Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 7, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-112, 115; 13-4-201 (b)(d), failure to properly store garbage in cans with tight fitting lids on residential property known as 323 Leyton Road, 21136.

On March 24, 2009, pursuant to § 3-6-205, Baltimore County Code, a Code Enforcement citation was issued. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 5, 2009 for removal of all junk and discarded furniture, and failure to store trash in cans with lids. This Citation was issued on March 24, 2008 for failure to properly store trash in cans with tight fitting lids. Photographs in the file show garbage cans overflowing with bagged garbage.

B. A Final Order was issued on December 12, 2008 imposing a \$100.00 civil penalty for failure to store trash in containers with tight fitting lids, and suspending the penalty if Respondent complied with the order.

C. Re-inspection on April 6 found no improvement. Photograph in the file shows a garbage can overflowing with bagged trash or garbage, with no lid. This constitutes a continued violation of County Code provisions prohibiting conditions that are conducive to rat harborage and rodent infestation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$250.00 (two hundred fifty dollars) and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of April 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer